

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, July 20, 2023 at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Chair Diane Westbrook, Vice Chair Kim Wade, Matthew Walden, John Earp, Monica Harvey and Jennifer Garner were present.

Matthew Walden made a motion, which was seconded by Jennifer Garner, to approve the Minutes of the June 22, 2023 regular meeting. The motion carried.

PUBLIC HEARINGS:

1. OA-02-23 Proposed Amendment to UDO §4.8.5(I) – Canopy Lights Service Stations

Mr. Tom Anastasi on behalf of Sheetz, Inc. has submitted a request to amend the text of UDO §4.8.5(I) to change the permitted maximum average lighting level under fuel station canopies from 3 to 12 lumens per square foot.

Senior Planner Alaina Mallette presented a Power Point of several local fuel canopies in the area and the level of illumination measured at each location.

Madeline Trilling, attorney for the applicant, stated that the current I.E.S. standard is actually 20 foot-candles, which is a bit higher than a minimum of 12 being requested and they would appreciate the Planning Board's consideration and potential recommendation of a higher limit.

Tom Anastasi, project manager for Sheetz, presented renderings of the Sheetz site to demonstrate the benefit of a higher lighting level than what is currently allowed under a fuel canopy.

Jayme Leonard of Red Leonard Associates Inc., lighting contractor, gave an extensive presentation regarding lighting and stated that he would not feel comfortable with a level lower than 20 foot-candles.

Chair Westbrook asked Mr. Anastasi if he was comfortable with 12 and he responded that he had been comfortable with 12 but was a little less comfortable after becoming aware of the current IES standard.

Mr. Earp asked Mr. Anastasi if he preferred to go to 20 and Mr. Anastasi responded that they would love for the limit to be even higher than 12 foot-candles.

Ms. Wade asked Mr. Anastasi if he was going to be satisfied with a limit of 12 or 20.

Mr. Anastasi responded that they have stores that are currently at 20, 30 and 50. They would be satisfied with 20, 30, 40 or 50, or obviously even 12.

Mr. Earp commented that a store in a more rural area might be amenable to 50 and asked if 20 is more in keeping with what should be in this area.

John Earp made a motion, which was seconded by Monica Harvey, to close the public hearing. The motion carried.

Board discussion ensued and led to additional questions for the applicant.

Matthew Walden made a motion, which was seconded by Jennifer Garner, to reopen the public hearing. The motion carried.

Mr. Earp asked if light pollution is increased over 20.

Mr. Anastasi responded that there is no increased risk from under-canopy lighting.

Mr. Leonard responded that the levels of lighting are higher in highly populated areas in an effort to draw attention to establishments that are competing with other businesses and recommended a limit of at least 20 and closer to 25 as a minimum.

Jennifer Garner made a motion, which was seconded by Matthew Walden, to close the public hearing. The motion carried.

John Earp made a motion, which was seconded by Matthew Walden, that after reviewing the proposed amendment to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10, the proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-02-23 and as revised by the Planning Board as follows:

“Canopy Lights Service Stations. The average lighting level for new and existing service stations shall be no greater than twenty-five (25) maintained lumens per square feet under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.”

and that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Town staff as part of the Planning Board’s written recommendation to the Town Council:

- a. ambient lighting outside of fuel canopies is insufficient for safety; and
- b. non-conforming sites with fuel canopy lighting above the Town’s maximum average;

and therefore, to recommend approval of OA-02-23 to the Town Council. The motion carried by a 6-0 vote.

2. OA-03-23: Text Amendment to the Unified Development Ordinance; Petitioner: Town of Southern Pines Town Council

The Town of Southern Pines Town Council has proposed an amendment to UDO Exhibit 3-15: Table of Authorized Land Uses by removing commercial mini- or self-storage as a by right land use in the General Business (GB) zoning district. The proposed amendment would modify UDO Exhibit 3-15 by removing the "Z" from the General Business zoning district column for Land Based Classification System (LBCS) Code 2321, effectively removing it as a by right land use in that district.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public hearing. The motion carried.

Senior Planner Alaina Mallette provided a detailed overview of the proposed amendment accompanied by a Power Point presentation and stated that the text amendment would limit the by right use to the Industrial zoning district. The amendment would also apply to General Business Conditional Districts. Ms. Mallette stated that Planning staff recommended approval of the text amendment.

Jennifer Garner made a motion, which was seconded by Matthew Walden, to close the public hearing. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, that after reviewing the proposed text amendment to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10, the proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-03-23 and therefore, to recommend approval of OA-03-23 to the Town Council. The motion carried by a 6-0 vote.

UNFINISHED BUSINESS:

Chair Westbrook stated that there would be an August 17, 2023 agenda meeting.

NEW BUSINESS:

Ms. Mallette offered to provide training on various Board-related topics during the September 14, 2023, October 12, 2023 and November 9, 2023 agenda meetings and the Board was very receptive.

Matthew Walden made a motion, which was seconded by John Earp, to adjourn the meeting.
The motion carried.

The meeting adjourned at 8:09 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board